

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

MOHAMAD HAMAD
TALYA A. LUBIT

Criminal No. 24- *257*

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Eric G. Olshan, United States Attorney for the Western District of Pennsylvania, and Carolyn J. Bloch, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A federal grand jury returned a two-count indictment against the above-named defendants for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>	<u>DEFENDANTS CHARGED</u>
1	Conspiracy to Commit Offense Against the United States From in and around July 2024 through on or about July 29, 2024	18 U.S.C. § 371	HAMAD LUBIT
2	Damaging and Defacing Religious Real Property On or about July 29, 2024	18 U.S.C. §§ 247(c), 247(d)(5), and 2	HAMAD LUBIT

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II. ELEMENTS OF THE OFFENSES

A. As to Count 1:

In order for the crime of Conspiracy, in violation of 18 U.S.C. § 371, to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That two or more persons agreed to commit an offense against the United States, as charged in the Indictment.
2. That the defendant was a party to or member of that agreement.
3. That the defendant joined the agreement or conspiracy knowing of its objectives to commit an offense against the United States and intending to join together with at least one other alleged coconspirator to achieve that objective.
4. That at some time during the existence of the agreement or conspiracy, at least one of its members performed an overt act in order to further the objectives of the conspiracy.

Third Circuit Model Criminal Jury Instruction No. 6.18.371A

B. As to Count 2:

In order for the crime of Damaging and Defacing Religious Real Property, in violation of 18 U.S.C. § 247(c), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant defaced, damaged, or destroyed religious real property, or attempted to do so;
2. That the defendant acted intentionally; and
3. That the defendant acted because of the race, color, or ethnic characteristics of any individual associated with that religious real property.

Title 18, United States Code, Sections 247(c), 247(f), and 2. Pinkerton v. United States, 328 U.S. 640 (1946).

III. PENALTIES

A. As to Count 1: Conspiracy (18 U.S.C. § 371):

1. The maximum penalties for individuals are:

(a) imprisonment for not more than one (1) year (18 U.S.C. § 371);

(b) a fine of not more than \$100,000 (18 U.S.C. § 3571(b)(5));

(c) a term of supervised release of not more than one (1) year (18 U.S.C. § 3583(b)(3)); and

(d) Any or all of the above.

B. As to Count 2: Damaging and defacing religious real property because of race or ethnic characteristics (18 U.S.C. §§ 247(c), 247(d)(5), and 2):

1. The maximum penalties for individuals where damage to or destruction of property resulted and does not exceed \$5,000 are:

(a) imprisonment for not more than one (1) year (18 U.S.C. § 247(d)(5))

(b) a fine of not more than \$100,000 (18 U.S.C. § 3571(b)(5));

(c) supervised release of not more than one (1) year (18 U.S.C. § 3583(b)(3));

and

(c) Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$25.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013(a)(1)(A)(iii).

V. RESTITUTION

Restitution may be required in this case as to Counts One and Two, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 3663A and 3664.

VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

ERIC G. OLSHAN
United States Attorney

s/Carolyn J. Bloch
CAROLYN J. BLOCH
Assistant U.S. Attorney
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